

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/421,676 10/20/99 GOTZ

B 964-991369

PM82/0813

EXAMINER

WILLIAM H LOGSDON
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436 SEVENTH AVENUE
PITTSBURGH PA 15219-1818

MAR, M

ART UNIT

PAPER NUMBER

3619

DATE MAILED:

11

08/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | |
|------------------------------|--------------------------------------|--------------------------------------|
| Office Action Summary | Application No. 09/421,676 | Applicant(s) Gernhard Gotz |
| | Examiner First Last | Art Unit 1234 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19, 21, and 22 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19, 21, and 22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) Other: _____

Art Unit: 3619

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-14, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleine in view of Wakana et al. Kleine et al discloses a vehicle comprising an internal combustion engine mounted on a frame and weights 13 & 14 mounted on the frame and adjacent to the engine, the engine thus being operatively connected to the weights.

Wakana et al teaches the use of elastic engine mounts 4 (Figs. 1 & 2) for mounting an engine transversely with respect to a vehicle for permitting oscillating motion of the engine about a transverse axis extending through the engine mounts. Wakana et al also teaches the use of a torque support 6 which connects the engine to the vehicle frame for minimizing oscillating motion, the torque support being spaced a distance from the axis (Figs. 9 & 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the vehicle of Kleine et al with a transversely mounted engine as taught by Wakana et al as an alternative choice to the longitudinally extending engine. It would have been further obvious to provide the engine with a torque support as further taught by Wakana et al in order to minimize oscillating motion of the engine. Note that any structure between the engine and the frame could be considered as a "weight" as recited by the claims.

Art Unit: 3619

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kleine et al in view of Nichter.

Nichter teaches the use of hydraulic units operatively connected to an internal combustion engine.

It would have been obvious to provide the vehicle of Kleine et al with a hydraulic unit operatively connected to the engine as taught by Nichter in order to provide the vehicle with a source of hydraulic power.

4. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleine et al in view of Wakana et al as applied to claim 2 above, and further in view of Nichter.

It would have been obvious to provide the vehicle of Kleine et al and Wakana et al as combined above with a hydraulic unit operatively connected to the engine as taught by Nichter in order to provide the vehicle with a source of hydraulic power.

REMARKS

5. Applicant's remarks have been considered but are not deemed persuasive. Since the weight itself has not been clearly defined with respect to it's configuration, size, mass, and relationship to the vehicle chassis, anything could be considered a "weight" including any structure connecting the engine to the chassis. In the absence of any specific recitation defining the particulars of the weight and it's specific relationship to the vehicle the above rejections are still considered to be proper.

Art Unit: 3619

6. Any inquiry concerning this communication should be directed to Examiner Michael Mar at telephone number (703) 308-2087.

Mar/ph

August 1, 2001

August 9, 2001

Michael Mar
MICHAEL MAR
PRIMARY EXAMINER